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Convention on the Elimination of All Forms of Discrimination against Women

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**Committee on the Elimination of Discrimination against Women**
**Seventy-first session**
22 October–9 November 2018
Item 4 of the provisional agenda
**Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women**

# List of issues and questions in relation to the sixth periodic report of the Bahamas

### Constitutional, legislative and policy framework

1. The Committee notes that, while gender-based discrimination is prohibited under article 15 of the Constitution of the Bahamas, on fundamental rights and freedoms, it is not included as a prohibited ground of discrimination under article 26 of the Constitution, which defines the word "discriminatory". In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please indicate whether measures have been taken or are envisaged to amend the Constitution and other relevant legislation in order to incorporate therein the principle of equality of women and men and to define and prohibit all forms of discrimination against women, including intersecting forms of discrimination and direct and indirect discrimination in the public and private spheres.

### Access to justice

2. Please provide examples of cases in which the provisions of the Convention have been referred to by national courts and indicate the measures taken to inform women of the procedures available to them that are aimed at enforcing their rights under the Convention, challenging discrimination and obtaining redress. Please indicate the means by which low-income women may obtain adequate access to legal aid. In relation to paragraph 24 (d) of the Committee's previous concluding observations (CEDAW/C/BHS/CO/1-5) and information provided in the follow-up report in 2014 (CEDAW/C/BHS/CO/1-5/Add.1), the Committee notes the measures taken by the State party, such as the implementation by the Attorney General of a "swift justice" initiative and the establishment of the Sexual Offences Unit within the Department of Public Prosecutions. Please provide data on the impact of those



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measures since their introduction. Please also indicate whether, in addition to current interventions, the State party plans to establish specialized courts in order to reduce judicial backlogs.

**National machinery for the advancement of women**

3. Please indicate measures taken by the State party to further strengthen its national machinery for the advancement of women, in particular the Bureau of Women's Affairs, including by clearly defining the mandate and responsibilities of its components and enhancing coordination among them, as well as through the provision of adequate human and financial resources. Please inform the Committee of whether the anticipated expansion of the Bureau into the Department of Gender and Family Affairs, the five-year strategic plan for which was completed in 2012 (CEDAW/C/BHS/6, para. 23),[1] has been implemented and whether an impact assessment of the plan has been undertaken. Please also indicate whether the Convention and the Committee's general recommendations are being integrated into capacity-building programmes for lawmakers, judges, prosecutors and lawyers, as well as police officers and other law enforcement officials. Please also inform the Committee about gender-responsive budgeting activities that have been developed.

**Temporary special measures**

4. While noting that the State party outlines the creation of a course aimed at encouraging women to consider political leadership roles, the Committee also notes that only 1 out of 19 participants was confirmed as a candidate by one of the political parties (para. 25). Furthermore, the report lacks details on whether temporary special measures have been implemented or are envisaged as a means of accelerating the achievement of the full and equal participation of women in all areas of the Convention in which they are disadvantaged or underrepresented, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures. In that regard, please provide information on the adoption of temporary special measures to accelerate the participation of women in areas such as political life, decision-making, education and traditionally male-dominated sectors of employment and indicate the results achieved.

**Stereotypes and harmful practices**

5. Please provide information on measures taken by the State party, other than the activities implemented by the Bureau of Women's Affairs, to develop a comprehensive policy aimed at changing social and cultural patterns that reinforce traditional stereotypes of the roles and responsibilities of women and men in the family and in society, as well as the negative media messages about and portrayal of women, targeting schools in particular. Please also provide information on how the expansion of the Bureau into the Department of Gender and Family Affairs will raise awareness of gender stereotyping.

**Gender-based violence against women**

6. With reference to paragraph 24 (b) of the previous concluding observations (CEDAW/C/BHS/CO/1-5), in which the Committee called for the amendment of the Sexual Offences and Domestic Violence Act of 1991 to criminalize marital rape, please indicate the steps taken to explicitly criminalize marital rape and define it on the basis of lack of consent. Pursuant to paragraph 2 of the information provided by the State party in follow-up to the concluding observations (CEDAW/C/BHS/CO/1-

[1] Unless otherwise indicated, paragraph numbers refer to the sixth periodic report of the State party.

5/Add.1), please also indicate the results of the initiatives pursued to address gender-based violence. Please provide statistical information on the number of prosecutions, convictions and sentences imposed on perpetrators of gender-based violence against women, disaggregated by age, relationship between victim and perpetrator and geographical location. Please also provide information on the number of women who are victims of gender-based violence who have received counselling, legal assistance, including access to free legal aid, shelter and other government support services (para. 28), as well as on the number of protection orders issued in domestic violence cases.

7. Please provide information on measures taken to ensure that girls who are victims of sexual abuse have access to protection centres, psychosocial support and other services and that those services are available throughout the country. Please also indicate the steps taken by the State party to conduct awareness-raising campaigns, in particular for girls, parents and caregivers, in order to prevent the stigmatization of victims of sexual violence and abuse. Please provide information on measures taken to develop adequate systems of investigation and prosecution of cases of sexual abuse of women and girls.

**Trafficking**

8. Please provide information on the number of cases investigated and prosecuted and the number of sentences imposed on perpetrators of trafficking in persons, in particular women and girls. Please also provide details on the mandate, work and impact of the Inter-Ministry Committee on Trafficking in Persons and the Trafficking in Persons Task Force. Please indicate measures taken to strengthen programmes to raise awareness of the criminal nature and risks of trafficking, in particular in low-income urban areas, and to ensure the provision of adequate protection and assistance to women and girls who are victims of trafficking, including of shelters and rehabilitation and reintegration support.

9. It is mentioned in the report that prostitution remains a criminal offence in the State party. With regard to the fact that section 10 of the Trafficking in Persons Act ensures the protection of victims of prostitution, please inform the Committee of steps taken to decriminalize the involvement of women in prostitution and ensure that women involved in the sex trade are not punished. Please also provide information on the access of women and girls engaged in prostitution to contraceptives and sexual and reproductive health services. Please provide information and data on the prevalence of the exploitation of prostitution, including with regard to girls involved in prostitution, and measures taken or envisaged to address its root causes and prevent women and girls in vulnerable situations from entering into prostitution, including the provision of alternative opportunities for earning income.

**Participation in political and public life**

10. It is indicated in the report that, in the elections held in the State party in 2012, of those members appointed to the Senate (Upper House), 5 out of 16, or 31 per cent, were women (para. 54) and that only 13 per cent of the members elected to Parliament (Lower House) were women (table 2). While acknowledging the efforts made by the State party to increase the representation of women, the Committee notes that women represented only 18.5 per cent of the total number of representatives in 2012 (table 2) and only 23 per cent of the key positions in Parliament in 2016 (table 3). Please provide information on measures taken to introduce a system of quotas aimed at reaching a minimum of 30 per cent representation by women in Parliament, including through the adoption of temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25, and to support women candidates for elected positions in the State party. Please inform the

Committee of whether a system of quotas or other temporary measure was used in the most recent elections, which were held in 2017. Please provide updated statistics on the gender composition of all the legislative, executive and judicial bodies at the federal, state and territorial levels, as well as of the military, the police, the independent administrative authorities, the key consultative state bodies, the senior civil service administration, the diplomatic service and company boards and management.

**Nationality**

11. Please provide information on steps taken to amend the Bahamas Nationality Act of 1973 with a view to ensuring that Bahamian women have the same rights as Bahamian men regarding the transmission of their nationality to their children in all circumstances in order to reduce statelessness, in line with the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women. Please also provide information on steps taken to introduce a gender-sensitive statelessness determination procedure aimed at identifying stateless persons and affording them protection, including access to naturalization procedures. With regard to the referendum held in 2016, please inform the Committee of steps taken or envisaged to ensure that Bahamian women can transmit their nationality to their spouses of foreign nationality on terms equal to those of Bahamian men. Please indicate the steps taken by the State party to review its reservations to the Convention, especially those relating to article 2 (a) on policy measures and article 9 (2) on nationality, with a view to withdrawing the reservations.

**Education**

12. The Committee notes that the information on access to education and literacy rates remains unchanged since the previous report. It also notes the implementation of a technical and vocational education and training body created by virtue of the National Training Agency Act of 2013. Furthermore, it notes that, from 2012 to 2015, the Government awarded 2,319 scholarships to Bahamian students, 1,521 of whom were female (65.6 per cent) (para. 82). Please provide information on further steps taken to assess the lack of impact of the plans and on measures under development to diversify educational and academic choices, including in non-traditional fields, and on geographical discrepancies in educational attainment. Please also provide updated statistics on females pursuing and teaching courses in non-traditional fields. Please indicate how the State party monitors the incidence of harassment, including sexual harassment, of women and girls in the education system. Please provide information on the status of corporal punishment within and outside the educational setting. Please also provide information on measures taken to integrate asylum-seeking, refugee and migrant women and girls into the education system at all levels.

**Employment**

13. With regard to the fact that the Ministry of Education, Science and Technology continues to provide opportunities for high-quality education, please provide information on measures taken to encourage women to participate in areas of the formal labour market that have traditionally been occupied by men, including engineering, science and technology. Furthermore, please provide information on measures taken to implement employment policies aimed at reducing the higher levels of unemployment of women than those of men and to combat sexual harassment. Please inform the Committee of measures taken to enact appropriate legislation that guarantees the principle of equal pay for work of equal value in all fields of work, in

line with article 11 (1) (d) of the Convention, and of the level of implementation of that legislation.

**Health**

14. Please provide information on the percentage of the national budget allocated to women's health, the maternal mortality rate and women's access to basic health-care services, including essential obstetric care and sexual and reproductive health services. Please inform the Committee of measures taken to broaden the conditions under which abortion can legally be made available, including in instances of rape, incest, severe fetal impairment and risk to the health of the pregnant woman.

15. According to information before the Committee, although the age of sexual consent is 16 years, the minimum age at which young women may receive contraceptive and other health services without parental consent has been set at 18 years. Please inform the Committee of measures taken to ensure that girls receive adequate sexual and reproductive health services, in particular to reduce the risk of HIV infection, and that all women and girls have free and adequate access to contraceptives and sexual and reproductive health services, including in the Family Islands.

**Rural women**

16. In line with the Committee's general recommendation No. 34 (2016) on the rights of rural women, please provide information on measures taken to protect their rights and describe the extent to which rural women have been involved in the development of those measures. Please specify whether measures, including temporary special measures, have been adopted to address disparities that rural women may face with regard to access to land and property, as well as to basic social services, including education and health, and participation in decision-making processes.

**Women with disabilities**

17. Please provide updated information on steps taken to introduce anti-discrimination legislation at the national and local levels in order to prevent discrimination against women with disabilities. Please inform the Committee of the current status of the implementation of the Persons with Disabilities (Equal Opportunities) Act (para. 10) and on further measures taken to eliminate discrimination against women with disabilities. Please provide information on the extent to which women with disabilities are disproportionately affected by poverty and lack of access to health services, education and employment. Please provide specific examples of existing social protection schemes in place that are aimed at reducing the economic burden on women in disadvantaged groups, including women with disabilities.

**Refugees and asylum-seeking women**

18. With reference to paragraphs 72 to 76, please inform the Committee of legislation in place in the State party to protect refugee and asylum-seeking women from forced return to countries where they may face gender-based violence or harmful practices. Please provide information on capacity-building and guidelines for border police, immigration officers and other law enforcement officials with regard to the early identification of persons in need of international protection, such as refugee women, stateless women and women and girls who are victims of trafficking, and for their referral to appropriate social services.

19. It is stated in paragraph 74 that asylum seekers may face detention, although not for lengthy periods. Please inform the Committee of measures in place in the State party to ensure that asylum-seeking women and adolescent girls, especially those who are unaccompanied, are protected against gender-based violence, sexual harassment and trafficking and that they have adequate access to health services, in particular sexual and reproductive health services. Please indicate the safeguards in place to ensure that asylum-seeking women and girls are separated from male asylum seekers, unless the latter are close family relatives. Please provide information on access to services and whether medical services, in particular gynaecological and obstetrical services, and legal services are accessible free of charge to all asylum-seeking women and girls.

**Marriage and family relations**

20. In its previous concluding observations, the Committee expressed concern that article 26 (1) of the Constitution of the Bahamas did not protect against discrimination with respect to adoption, marriage, divorce, burial, devolution of property at death or other matters of personal law (CEDAW/C/BHS/CO/1-5, para. 13). Please provide information on steps taken to repeal article 26 (1) and eliminate that discrimination in the legislation.

21. Please indicate whether and how gender-based violence against women in the domestic sphere is taken into account in rulings on child custody and visitation rights. Please provide an update on regulations pertaining to child maintenance, including whether a minimum level of maintenance has been established. With reference to paragraph 38 (a) of the previous concluding observations (CEDAW/C/BHS/CO/1-5), please provide an update on the status of the unified family court system (para. 154). Please indicate steps taken to enact legal provisions governing de facto unions, with a view to ensuring protection and redress for women in cases of separation.

**Natural disasters**

22. According to information before the Committee, the State party is in the hurricane belt and is therefore susceptible to tropical storms. Please provide information on whether a gender perspective has been incorporated into national disaster management, relief and recovery strategies and indicate whether women participate at all stages of the disaster management process. Please inform the Committee of specific budget and human and financial resources allocated to implementing those strategies.

**Optional Protocol to the Convention and amendment to article 20 (1) of the Convention**

23. Please indicate whether progress has been made with respect to the ratification of the Optional Protocol to the Convention and acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.